

Listing of Claims:

Claim 1 (Canceled).

2. (Currently Amended) The defect inspection apparatus according to claim [[1]] 18, wherein

if the focusing control using the second focusing control parameter is unsuccessfully performed as a result of causing the focusing control to be performed when said pattern image obtaining unit obtains the pattern image of the part to be inspected, the focusing control parameters are parameter is changed to the first focusing control parameter and the pattern image of the part to be inspected is obtained by performing the focusing control using the first focusing control parameter default values, and the pattern image of the part to be inspected is obtained by performing the focusing control according to the focusing control parameters, which are the default values.

3. (Currently Amended) The defect inspection apparatus according to claim 2, wherein

if the focusing control using the first focusing control parameter is unsuccessfully performed as a result of causing the focusing control to be performed when said pattern image obtaining unit obtains the pattern image of the part to be inspected, the pattern image of the part to be inspected is

obtained by regarding [[a]] the focusing position of the reference part as the obtained by the focusing control performed when said pattern image obtaining unit obtains the pattern image of the reference part as a focusing position of the part to be inspected.

4. (Original) The defect inspection apparatus according to claim 3, wherein

when said pattern image obtaining unit obtains the pattern image of the part to be inspected by regarding the focusing position of the reference part as the focusing position of the part to be inspected, information about unsuccessful focusing control is added to the pattern image of the part to be inspected.

Claims 5-6 (Canceled).

7. (Currently Amended) The defect inspection apparatus according to claim [[1]] 18, wherein the sample information is comprises at least any one of information about the focusing position of the reference part and information about a light amount according to light reflected from the reference part.

Claim 8 (Canceled).

9. (Currently Amended) A defect inspection method, comprising:

driving a stage or an objective lens ~~as opposed to facing~~ an observation object in order to change an observation part of the observation object placed on the stage to a reference part determined to be normal beforehand within the observation object;

performing focusing control so that automatic focusing is achieved on the reference part according to a first focusing control parameter;

determining a second focusing control parameter based on sample information obtained [[by]] when performing the focusing control to achieve the focusing on the reference part;

obtaining a pattern image of the reference part;

driving the stage or the objective lens in order to change the observation part of the observation object to a part to be inspected, which becomes a target of inspecting presence/absence for the presence or absence of a defect within the observation body object;

setting the focusing parameter to the second focusing parameter;

performing the focusing control in order to achieve focus on the part to be inspected according to the second focusing control parameter; then

obtaining a pattern image of the part to be inspected; and

detecting presence/absence the presence or absence of an abnormal condition of the part to be inspected by making a comparison between the pattern image of the reference part and the pattern image of the part to be inspected.

10. (Currently Amended) The defect inspection method according to claim 9, wherein:

if the focusing control using the second focusing control parameter is unsuccessfully performed, as a result of performing the focusing control parameter is changed to the first such that focusing control parameter and the pattern image of the part to be inspected is obtained by performing the focusing control using is achieved on the part to be inspected according to the second focusing control parameter, the focusing control is performed so that focusing is achieved on the part to be inspected according to the first focusing control parameter.

11. (Currently Amended) The defect inspection method according to claim 10, wherein:

if the focusing control using the first focusing control parameter is unsuccessfully performed as a result of performing when obtaining the pattern image of the part to be inspected, the pattern image of the part to be inspected is obtained by regarding the focusing position of the reference part as the

focusing position of the part to be inspected control such that the focusing is achieved on the part to be inspected according to the first focusing control parameter, the focusing position obtained by the focusing control performed for the part to be referenced is regarded as the focusing position of the part to be inspected, and the pattern image of the part to be inspected is obtained.

12. (Original) The defect inspection method according to claim 11, wherein:

when the pattern image of the part to be inspected is obtained by regarding the focusing position of the reference part as the focusing position of the part to be inspected, information about unsuccessful focusing control is added to the pattern image of the part to be inspected.

Claims 13-17 (Canceled).

18. (New) A defect inspection apparatus, comprising:
a stage on which an observation object is placed;
an objective lens for imaging the observation object;
an observation part changing unit for changing an observation position of the observation object via the objective lens by moving at least one of the stage and the objective lens

in a direction perpendicular to an optical axis of the objective lens;

a focusing unit for changing a relative distance between the stage and the objective lens in a direction of the optical axis of the objective lens;

a focusing control unit for performing automatic focusing by driving said focusing unit to focus on the observation object;

a parameter setting unit for setting a focusing control parameter used for controlling the automatic focusing;

a pattern image obtaining unit for obtaining a pattern image of an observation part by driving the observation part changing unit to change the observation position;

a pattern image storing unit for storing the pattern image obtained by said pattern image obtaining unit;

a detecting unit for detecting the presence or absence of a defect of a part to be inspected by making a comparison between the pattern image of a reference part in the observation object stored in the pattern image storing unit and the pattern image of the part to be inspected in the observation object;

wherein said pattern image obtaining unit is arranged to obtain the pattern image of the reference part in the observation object determined as normal beforehand by performing the focusing control via the focusing control unit using a first focusing control parameter set by the parameter setting unit, and arranged

to change the observation position to the part to be inspected and obtain the pattern image of the part to be inspected by performing the focusing control via the focusing control unit using a second focusing control parameter set by the parameter setting unit, and

wherein said focusing control unit is arranged to determine the second focusing control parameter, used when obtaining the pattern image of the part to be inspected, based on sample information obtained when performing the focusing control to obtain the pattern image of the reference part.

19. (New) The defect inspection apparatus according to claim 18, wherein:

the focusing control parameter contains at least one of movement speed of said focusing unit search range used when acquiring the observation object autofocus method offset amount, and contrast threshold.

20. (New) The defect inspection apparatus according to claim 18, wherein:

said pattern image obtaining unit obtains a plurality of inspection images of the reference part by operating said observation part changing unit after obtaining a reference image of the reference part and detects defects by comparing the

plurality of inspected images with one reference image in the detection unit, respectively.

21. (New) The defect inspection apparatus according to claim 18, wherein:

the reference part and the part to be inspected are provided in a specific position in the observation object having a plurality of same patterns and the patterns of the reference part and the inspection part are the same, respectively.

22. (New) The defect inspection apparatus according to claim 21, wherein:

the presence or absence of a defect is detected by making a comparison between the pattern image of the reference part stored in said pattern image storing unit and the pattern image of the part to be inspected by said detecting unit, and if a different part is found in each pattern, the pattern image of the part to be inspected is determined to be abnormal and if the patterns are the same, they are determined to be normal.

23. (New) The defect inspection apparatus according to claim 9, wherein:

the focusing control parameter contains at least one of movement speed of said focusing unit, search range used when

acquiring the observation object, autofocus method, offset amount and contrast threshold.

24. (New) The defect according to claim 9, wherein after obtaining a reference image of the reference part, a plurality of inspection images of the reference part are obtained and defects are detected by comparing the plurality of inspected images with one reference image, respectively.

25. (New) The defect inspection apparatus according to claim 9, wherein:

the reference part and the part to be inspected are provided in a specific position in the observation object having a plurality of same patterns and the patterns of the reference part and the inspection part are the same, respectively.

26. (New) The defect inspection apparatus according to claim 25, wherein:

the presence or absence of a defect is detected by making a comparison between the obtained pattern image of the reference part and the pattern image of the part to be inspected, and if a different part is found in each pattern, the pattern image of the part to be inspected is determined to be abnormal and if the pattern are the same they are determined to be normal.